

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED

OCT 14 2016

Clerk, U.S. District Court
Texas Eastern

VANITY BENSON,

Plaintiff,

v.

TYSON FOODS, INC,

Defendant.

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CIVIL ACTION NO. 4:14-cv-00121

VERDICT FORM

We, the jury, impaneled and sworn in the above entitled cause, do, upon our oaths, find as follows:

QUESTION 1

Did the negligence, if any, of those named below proximately cause the occurrence or injury in question?

Answer "Yes" or "No" for each of the following:

- a. Tyson Foods, Inc. No
- b. Crown Equipment Corporation No

If you answered "Yes" to both "a" and "b," then answer Question 2.

If you answered, "Yes" to only "a," then proceed to Question 3.

If you answered, "Yes" to only "b," then proceed to Question 5.

QUESTION 2

As between Tyson Foods, Inc., and Crown Equipment Corporation, find the percentage of responsibility for the occurrence or injury attributable to each:

- a. Tyson Foods, Inc. _____ %
- b. Crown Equipment Corporation _____ %
- Total 100 % (Your answers must total 100%.)

QUESTION 3

Has Defendant Tyson Foods, Inc. proven that by electing to participate in Tyson Foods, Inc.'s Workplace Injury Settlement Program ("WISP") Plaintiff Vanity Benson voluntarily waived her right to bring this cause of action?

Answer "Yes" or "No."

ANSWER: _____

If you answered "No" to Question 3, then answer Question 4.

If you answered "Yes" to Question 3, then proceed to Question 5.

QUESTION 4

What sum of money, if paid now in cash, would fairly and reasonably compensate Vanity Benson for her injuries, if any, that resulted from the occurrence in question?

Consider the elements of damages listed below and none other. Consider each element separately. Do not include interest on any amount of damages you find.

Answer in dollars and cents, if any, for the following items and none other:

1. Physical impairment in the past caused by the injury as a result of the occurrence in question.

ANSWER: \$ _____

2. Physical impairment in the future caused by the injury as a result of the occurrence in question.

ANSWER: \$ _____

3. Pain and suffering in the past caused by the injury sustained as a result of the occurrence in question.

ANSWER: \$ _____

4. Pain and suffering in the future caused by the injury sustained as a result of the occurrence in question.

ANSWER: \$ _____

5. Mental anguish and emotional distress in the past caused by the injury as a result of the occurrence in question.

ANSWER: \$ _____

6. Mental anguish and emotional distress in the future caused by the injury as a result of the occurrence in question.

ANSWER: \$ _____

7. Disfigurement caused by the injury as a result of the occurrence in question.

ANSWER: \$ _____

Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

QUESTION 5

Did Plaintiff Vanity Benson have either a disability or a record of disability at the time of her termination?

Answer "Yes" or "No."

ANSWER: No

If you answered "Yes" to Question 5, then proceed to Question 6.

If you answered "No" to Question 5, then do not proceed further, and sign and return this Verdict Form.

QUESTION 6

Did Defendant Tyson fail to reasonably accommodate Plaintiff Vanity Benson's disability?

Answer "Yes" or "No."

ANSWER: No

QUESTION 7

Has Plaintiff Vanity Benson proven that Defendant Tyson terminated her employment because of her disability or record of disability?

ANSWER: No

If you answered "Yes" to Question 7, then proceed to Question 8.

Otherwise, do not proceed further, and sign and return this Verdict Form.

QUESTION 8

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Plaintiff Vanity Benson for the damages, if any, you have found Defendant Tyson caused Plaintiff Vanity Benson for violation of the Americans with Disabilities Act ("ADA")? Do not award any sum of money on any element if you have otherwise, under some other element, awarded a sum of money for the same loss. That is, do not compensate twice for the same loss, if any.

Answer in dollars and cents, if any, for the following items and none other:

1. Past pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life.

ANSWER: \$ _____

2. Future pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life.

ANSWER: \$ _____

QUESTION 9

Do you find that Plaintiff Vanity Benson should be awarded punitive damages for Defendant Tyson's violation of the ADA?

Answer "Yes" or "No."

ANSWER: _____

If you answered "Yes" to Question 9, then answer Question 10.

If you answered "No" to Question 9, then do not proceed further, and sign and return this Verdict Form.

QUESTION 10

What sum of money should be assessed against Defendant Tyson as punitive damages for violation of the ADA?

Answer in dollars and cents:

ANSWER: \$ _____

Sign and date this form.

Date: 14 Oct 2016

/

/ Foreperson